

**REMARKS**

Claims 1-3 are pending in this application. No claim has been amended.

Claims 1-3 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner has repeated the same rejection discussed in the previous Office Action, that is, the claims are generally narrative and indefinite. However, claims 1-3 have previously been amended to overcome the basis of the rejection. Nevertheless, the Examiner has now questioned the meaning of the phrase “a toggle mechanism for operating to rotate ...” as defined in claim 1, and the phrase “when said moving contact is in contact with said fixed contact [claim 2 line 4, is applicant referring to the impact force of the moving contact being brought into contact with said moving contact].” In response thereto, Applicants submit that there is **no** ambiguity with the phrase “a toggle mechanism for operating to rotate said moving contact support member so as to bring said moving contact into and out of contact with said fixed contact” as defined in claim 1. Likewise, there is **no** ambiguity with the phrase “an impact force, generated when said moving contact is in contact with said fixed contact by said toggle mechanism, is transmitted through the case to prevent occurrence of a mstrip” as defined in claim 2. The definiteness of the language employed must be analyzed not in a vacuum, but in light of the teachings in the prior art and of the particular application disclosure as it would be interpreted by one skilled in the art. In re Angstadt, 537 F.2d 498, 190 USPQ 214, 217 (CCPA 1976). When interpreted in view of Applicants’ disclosure, these phases are clear as to their intended meanings. Therefore, in view of these explanations, Applicants respectfully request that the rejection of claims 1-3 be withdrawn.

Lastly, claims 1-3 have been rejected under 35 U.S.C. §103 as being unpatentable over newly cited art, Kume, U.S. Patent No. 5,886,604, in view of Kralik, U.S. Patent No. 6,087,914 for reasons stated on pages 2-3 of the Office Action (Paper No. 7). In support of this rejection, the Examiner asserts that Kume, U.S. Patent No. 5,886,604, discloses all the features of Applicants' claims 1-3, except for the use of a "fixed frame" which is allegedly disclosed by FIG. 7, items 70-72 of Kralik, U.S. Patent No. 6,087,914.

This rejection is respectfully traversed, however. Applicants respectfully submit that features of Applicants' claims 1-3 are **not** disclosed or suggested by Kume, U.S. Patent No. 5,886,604 and Kralik, U.S. Patent No. 6,087,914 as alleged by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

Base claim 1 defines a circuit breaker comprising not only a main circuit and an opening/closing mechanism including "a toggle mechanism for operating to rotate said moving contact support member so as to bring said moving contact into and out of contact with said fixed contact", but also "a trip lever of a disengaging device" being "mounted on a yoke of said coil" (and **not** mounted on a fixed frame of the opening/closing mechanism 8 as shown in FIGs. 1-5) and "separated from a fixed frame" as described on page 3, lines 3-7; and page 5, line 37 extending to page 6, line 13 of Applicants' original specification, also see FIGs. 1-2.

According to Applicants' claimed "circuit breaker", the trip lever 23 is mounted on the yoke 30 of the coil 32 in the disengaging device 9 (not mounted on the fixed frame of the opening/closing mechanism 8) so as to enable the trip lever 23 in the

disengaging device 9, as shown in FIGs. 1-5, to be separated from the fixed frame 13 of the opening/closing mechanism 8. Since the trip lever is mounted on the yoke 30 of the coils in the disengaging device side, and the shock caused at the opening/closing mechanism side in ON-OFF operations is transmitted through the case 10. As a result, mistrip, typically occurred when the moving contact is brought into contact with the fixed contact, can be prevented as described in Applicants' original specification.

In contrast to Applicants' claims 1-3, Kume U.S. Patent No. 5,886,604, as a primary reference, discloses a circuit breaker as shown in FIG. 1, designed to provide superior shock and vibration resistance. An electromagnetic trip coil 13 and an electromagnetic coil 16 are used and mounted on an internal side wall of the housing 6 along with an inverted L-shaped movable iron piece 15. On column 4, line 51 extending to column 5, line 3, Kume '604 discloses preventing of missing trip.

Specifically, Kume '604 discloses that, since a movable iron piece 15 is forcibly retained at an anti-absorption position of a retaining electromagnetic coil 16, there is no risk of the circuit breaker 5 erroneously performing tripping action, even if a spring is not set. In addition, since a handle 8 is stopped at an on-position thereof by a lock member 26, there is no risk of the circuit breaker 5 performing tripping action.

However, Kume '604 does **not** disclose or describe any structure of "separating a trip lever of a disengaging mechanism from a fixing frame" as expressly defined in Applicants' claim 1. In other words, contrary to the Examiner's assertion, there is **no** disclosure anywhere in Kume '604 of Applicants' claimed "trip

lever of a disengaging device" being "mounted on a yoke of said coil" (and not mounted on a fixed frame of the opening/closing mechanism 8 as shown in FIGs. 1-5) and "separated from a fixed frame" as described on page 3, lines 3-7; and page 5, line 37 extending to page 6, line 13 of Applicants' original specification, also see FIGs. 1-2.

As a secondary reference, Kralik, i.e. U.S. Patent No. 6,087,914, does not and cannot remedy the noted deficiency of Kume '604. This is because Kralik '914 only disclose the circuit breaker, shown in FIG. 10, having the shaft 104 provided on the fixing frame 72 to serve as a rotary shaft of the trip lever so that the trip lever is incorrectly believed by the Examiner to be provided on the fixing frame.

However, the trip lever as described by Kralik '914 is different in its structure from at of Applicants' claims 1-3 in which "the trip lever of the disengaging mechanism is separated from the fixing frame".

The law under 35 U.S.C. §103 is well settled. In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.

1991). See MPEP 2143. In other words, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USQP 494, 496 (CCPA 1970).

In the present situation, neither Kume '604 nor Kralik '914 discloses or suggests, whether individually or in combination, the use of Applicants' claimed “trip lever of a disengaging device” being “mounted on a yoke of said coil” (and **not** mounted on a fixed frame of the opening/closing mechanism 8 as shown in FIGs. 1-5) and “separated from a fixed frame” as expressly defined in Applicants' claims 1-3. There is no teaching or suggestion to make the combination as proposed by the Examiner. As a result, Applicants respectfully request that the rejection of claims 1-3 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. ~~ry~~ of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because no new issues are raised, no further search is required, and the foregoing remarks and arguments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

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Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
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Hung H. Bui

Registration No. 40,415

HHB/slh  
(703)312-6600